

APPENDIX C: APPROPRIATE ASSESSMENT

Application Ref. PL/21/4632/OA

Proposal: Outline application for the demolition of all existing buildings and the erection of residential dwellings including affordable housing, custom build (Use Class C3), retirement homes and care home (Use Class C2), new vehicular access point off Burtons Lane, improvements to existing Lodge Lane access including works to Lodge Lane and Church Grove, new pedestrian and cycle access at Oakington Avenue including construction of new pedestrian and cycle bridge and associated highway works, a local centre including a community building (Use Classes E(a)(b)(e), F2(b)), land safeguarded for educational use (Use Classes E(f) and F1(a)), public open space and associated infrastructure (matters to be considered at this stage: Burtons Lane and Lodge Lane access).

Summary

Buckinghamshire Council, as Local Planning Authority and Competent Authority, has carried out a Habitats Regulations Assessment as required by The Conservation of Habitats and Species Regulations 2017 (as amended) ('the Habitat Regulations'), to assess whether there are likely significant effects on the Chiltern Beechwood Special Area of Conservation arising from this development, either alone or in combination with other plans and projects.

The applicant has not submitted any evidence as part of this application.

Having regard to the evidence published by Dacorum Borough Council from the consultants, Footprint Ecology, in March 2022, Buckinghamshire Council concludes that under the Habitat Regulations, recreational pressure is screened in and as such a Stage 2 Appropriate Assessment has been carried out by Buckinghamshire Council as Competent Authority. This has concluded that the effect of any net new homes within 12.6 kilometres of the Ashridge Commons and Woods Site of Special Scientific Interest's boundary in the Chiltern Beechwoods Special Area of Conservation, beyond the 500 metres Avoidance Zone, need to be mitigated.

The application site lies within the 12.6 kilometres zone of influence outside the 500 metre Avoidance Zone.

Informing individual Appropriate Assessment of Planning Applications and Permitted Development

New evidence has been published by Dacorum Borough Council (March 2022) from the consultants Footprint Ecology on the impacts of recreational and urban growth on Chilterns Beechwoods Special Area of Conservation. Natural England support the conclusions. The evidence has concluded that likely significant effects on the integrity of the Chiltern Beechwoods Special Area of Conservation from recreational disturbance would derive from a net increase in new homes within a linear distance of 12.6 kilometres from the boundary of the Ashridge Commons and Woods Site of Special

Scientific Interest of the Chiltern Beechwoods Special Area of Conservation, as defined in the 12.6km zone of influence. The disturbance is from additional human and dog presence.

Using this evidence, Buckinghamshire Council's Habitats Regulations Assessment determined that the likely significant effects within a 12.6km zone of influence and outside the 500 metre linear distance (Avoidance Zone) from the Chiltern Beechwoods Special Area of Conservation boundary were likely to harm the integrity of the conservation purposes of the Chiltern Beechwoods Special Area of Conservation and would need to be mitigated.

The Habitats Regulations Assessment concluded that Planning Applications and Permitted Development, which provide for a net increase in new homes outside the 500 metres Avoidance Zone and within the 12.6 kilometres zone of influence from the Ashridge Commons and Woods Site of Special Scientific Interest would have a significant likely effect on the conservation features of the Chiltern Beechwoods Special Area of Conservation and that such applications and permitted development can only be permitted if the applicant enters in to a legal agreement with Council, as Local Planning Authority, to pay towards Buckinghamshire Council's Strategic Access Management and Monitoring Strategy.

Natural England, the Government's conservation advisor, support the findings in the Habitats Regulations Assessment.

Appropriate Assessment of Planning Application reference number PL/21/4632/OA

1. The Conservation of Habitats and Species Regulations (2017)

In accordance with Regulation 63 of The Conservation of Habitats and Species Regulations(2017) a competent authority (in this case Buckinghamshire Council), before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

- a. is likely to have a significant effect on a European site... (either alone or in combination with other plans or projects), and
- b. is not directly connected with or necessary to the management of that site

must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.

A person applying for any such consent, permission or other authorisation must provide such information as Buckinghamshire Council may reasonably require for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required.

Buckinghamshire Council must, for the purposes of the assessment, consult the Conservation Body, NE, and have regard to any representations made by that body. It

must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take such steps for that purpose as it considers appropriate. In the light of the conclusions of the assessment, and subject to Regulation 64 (Considerations of overriding public interest), Buckinghamshire Council may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site.

In considering whether a plan or project will adversely affect the integrity of the site, Buckinghamshire Council must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which it proposes that the consent, permission or other authorisation should be given.

2. Stages 1: Screening for Likely Significant Effects

Buckinghamshire Council accepts that this proposal is a 'plan or project' which is not directly connected with or necessary to the management of the Chiltern Beechwoods Special Area of Conservation (Chiltern Beechwoods Special Area of Conservation). The potential likely significant effects on the integrity of the Chiltern Beechwoods Special Area of Conservation is from recreational disturbance. A net increase in homes is likely to result in additional visits to the Chiltern Beechwoods Special Area of Conservation with consequential erosion and pollution within the Chiltern Beechwoods Special Area of Conservation.

At this stage Buckinghamshire Council cannot rule out the likely significance effects on the Chiltern Beechwoods Special Area of Conservation (alone or in combination with other plans or projects) because the proposal could undermine the Conservation Objectives of the SAC. This is because the proposal lies outside the 500 metres Avoidance Zone and within 12.6 kilometres of the boundary of the Ashridge Commons and Woods Site of Special Scientific Interest in the Chiltern Beechwoods Special Area of Conservation and represents a net increase in homes within this zone which will lead to an increase in local population and a likely increase in recreational disturbance within the Chiltern Beechwoods Special Area of Conservation.

As the likely significance effect cannot be ruled out at this stage an Appropriate Assessment must be undertaken.

3. Stage 2 Appropriate Assessment: more than 500 metres and within 12.6 kilometres.

Based on the evidence published by Dacorum in relation to their local plan Buckinghamshire Council must decide whether or not an adverse effect on site integrity (alone or in combination with other plans or projects) can be ruled out. Mitigation may be able to be provided so that the proposal can reduce adverse effects.

The Council considers that the Strategic Access Management and Monitoring Strategy (SAMMS) would need to be agreed with Natural England to ensure a robust and capable mitigation of the likely significant effects of the proposal outside the 500 metres Avoidance Zone and within the 12.6 kilometres defined Zone of Influence from the Chiltern Beechwoods Special Area of Conservation boundary.

4. Conclusion

An Appropriate Assessment has been carried out for this development in accordance with the Habitats Regulations 2017. The applicant has not provided an appropriate mitigation strategy to prevent a likely significant effect upon the integrity of the Chiltern Beechwoods Special Area of Conservation.

Buckinghamshire Council considers, following consultation with Natural England, that without appropriate mitigation measures to prevent a likely significant effect upon the integrity of the Chiltern Beechwoods Special Area of Conservation, pursuant to Article 6(3) of the Habitats Directive (Council Directive 92/43/EEC) and Regulation 63(5) of the Conservation of Habitats and Species Regulations (2017), planning permission should be refused.

The applicant has not provided an appropriate mitigation strategy agreeable to the Council and Natural England and the application should be refused for the following reason ∴

Reason for Refusal

The Council considers that the proposed development would by reason of its proximity lying within a 12.6k metre linear distance of the Ashridge Commons and Woods Site of Special Scientific Interest within the Chiltern Beechwoods Special Area of Conservation would add to the recreational disturbance in this area likely to harm the integrity of the conservation purposes of the Chiltern Beechwoods Special Area of Conservation. In the absence of a legal obligation to secure an appropriate mitigation strategy to the satisfaction of the Local Planning Authority, the proposal would be contrary to the Habitat Regulations and paragraphs 180 and 181 of the National Planning Policy Framework and Policy CS4 of the Core Strategy for Chiltern District (2011).